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SUPREME COURT, U. S.

No. 765

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IN THE

SUPREME COURT OF THE UNITED STATES

LESLIE E. JETT,

Petitioner,

VS.

UNITED STATE OF AMERICA

Respondent.

SUPPLEMENTAL MEMORANDUM OF PETITIONER

JOHN JAY HOOKER, JR.,
WILLIAM R. WILLIS, JR.,
ALFRED H. KNIGHT, III,
214 Union Street,
Nashville, Tennessee,
Attorneys for Petitioner.

Of Counsel:
HOOKER, HOOKER & WILLIS
214 Union Street
Nashville, Tennessee

McQUIDDY PRINTING CO., NASHVILLE, TENN.

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Instead of directly meeting the arguments advanced in our petition, the Government's memorandum primarily seeks to undercut these arguments by asserting that they are not raised by the record and, hence, that "there is no necessity for the Court to reach" them. (e.g. Res. 3-4). A complete reply to this assertion would require a repetition of virtually the entire statement of facts and argument contained in the original petition, and will not be undertaken. There is, however, one statement in the Government's memorandum which is simply inaccurate, and which should be corrected. On page 4 of its memorandum, the Government asserts:

> The evidence of payoffs, *which the trial judge accepted* (R. 83a, 84a, 85a) provides a likely source for the net worth increases regardless of the political contributions. (Res. 4). (Emphasis added)

As a matter of law, Government counsel realizes, of course, that the existence of a *known* source (i.e. campaign contributions) eliminates reliance upon a

likely source (i.e. illegal payoffs); but aside from this self-evident legal proposition, it is just not true, as a matter of fact, that "the trial judge accepted" "the Government's evidence of payoffs." In the very portion of the record cited by the Government in support of its assertion, the judge expressly stated that he did not find that the defendant accepted payoffs:

> Count two, which is a specific item count, has given me quite a bit of concern. It has injected into the picture a prominent family in town for whom I have the greatest respect as I know everybody does, and it involves charges against the defendant of the utmost seriousness. One could hardly imagine a graver charge than this count entails. It includes the Ernest Jones $500 item for the year 1960, the Shelton $1,000 item, the Abernathy item of $400, and the Bridgeforth item of $400. This count, after I consider every possible angle and aspect of it, leaves me with what I would have to describe as a reasonable doubt in my mind. I think there is evidence both ways on the proposition.
>
> R. 84a. See also, the colloquy between the Court and Mr. Hooker which appears on page 75a of the appendix.

We think it very important that the Court not be misled on this crucial point.

Respectfully submitted,

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HOOKER, HOOKER & WILLIS
214 Union Street
Nashville, Tennessee
Attorneys for Petitioner